

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

- v. - :

INDICTMENT

DAMIAN BROWN, :

a/k/a "Bossy,"

SHAWN PETERKIN, :

a/k/a "Shawn James,"

FRANZ GOLDING, :

a/k/a "Frank,"

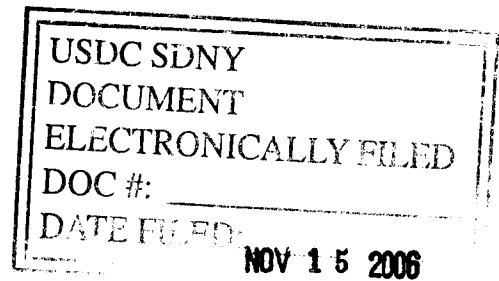
DWAYNE PALMER, :

a/k/a "Leon,"

a/k/a "Kay-pas," :

Defendants. :

- - - - -x



COUNT ONE

The Grand Jury charges:

1. From at least in or about 2004, up to and including in or about 2005, in the Southern District of New York, DAMIAN BROWN, a/k/a "Bossy," SHAWN PETERKIN, a/k/a "Shawn James," FRANZ GOLDING, a/k/a "Frank," and DWAYNE PALMER, a/k/a "Leon," a/k/a "Kay-pas," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DAMIAN BROWN, a/k/a "Bossy," SHAWN PETERKIN, a/k/a "Shawn James," FRANZ GOLDING, a/k/a "Frank," and DWAYNE PALMER, a/k/a "Leon," a/k/a "Kay-pas," the defendants, and others known and unknown,

would and did distribute and possess with intent to distribute a controlled substance, to wit, 100 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Sections 812, 841(a)(1), and 841(b)(1)(B) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, DAMIAN BROWN, a/k/a "Bossy," SHAWN PETERKIN, a/k/a "Shawn James," FRANZ GOLDING, a/k/a "Frank," and DWAYNE PALMER, a/k/a "Leon," a/k/a "Kay-pas," the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. In or about 2004, BROWN and PETERKIN stored kilograms of marijuana at a house in the Bronx, New York.

b. In or about fall 2004, BROWN and PETERKIN purchased a .40 caliber semi-automatic pistol from a marijuana dealer, not named as a defendant herein ("CC-1"), at a house on Carpenter Avenue, Bronx, New York.

c. In or about fall 2004, PETERKIN delivered kilograms of marijuana to CC-1 at a house on Carpenter Avenue, Bronx, New York.

d. In or about January 2005, BROWN received narcotics proceeds from CC-1 in the vicinity of Carpenter Avenue, Bronx, New York.

e. On or about April 16, 2005, BROWN, PETERKIN, GOLDING and PALMER shot and killed Keino Simpson in the vicinity of Gates Place and West Gun Hill Road, Bronx, New York, in retaliation for a suspected theft of marijuana and marijuana proceeds from PETERKIN.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about April 16, 2005, in the Southern District of New York, DAMIAN BROWN, a/k/a "Bossy," SHAWN PETERKIN, a/k/a "Shawn James," FRANZ GOLDING, a/k/a "Frank," and DWAYNE PALMER, a/k/a "Leon," a/k/a "Kay-pas," the defendants, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, BROWN, PETERKIN, GOLDING and PALMER acted together to shoot and kill Keino Simpson in the vicinity of Gates Place and West Gun Hill Road, Bronx, New York, in retaliation for a suspected theft of marijuana and

marijuana proceeds from PETERKIN.

(Title 18, United States Code,
Sections 924(j)(1) and 2.)

COUNT THREE

The Grand Jury further charges:

5. From at least in or about 2004, up to and including on or about April 16, 2005, in the Southern District of New York, DAMIAN BROWN, a/k/a "Bossy," SHAWN PETERKIN, a/k/a "Shawn James," FRANZ GOLDING, a/k/a "Frank," and DWAYNE PALMER, a/k/a "Leon," a/k/a "Kay-pas," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, including firearms that were discharged during the murder referenced in Count Two.

(Title 18, United States Code,
Sections 924(c)(1)(A)(iii) and 2.)

COUNT FOUR

The Grand Jury further charges:

6. On or about April 16, 2005, in the Southern District of New York and elsewhere, DAMIAN BROWN, a/k/a "Bossy," the defendant, who, being an alien illegally and unlawfully in

the United States, unlawfully, willfully, and knowingly did possess in and affecting commerce, ammunition, to wit, "7.62 x 39mm" assault rifle ammunition manufactured in the former East Germany, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code,
Sections 922(g)(5)(A) and 2.)

COUNT FIVE

The Grand Jury further charges:

7. On or about April 16, 2005, in the Southern District of New York and elsewhere, FRANZ GOLDING, a/k/a "Frank," the defendant, who, being an alien illegally and unlawfully in the United States, unlawfully, willfully, and knowingly did possess in and affecting commerce a firearm, to wit, a .40 caliber Tanfoglio handgun, manufactured by Fratelli Tanfoglio SpA, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code,
Sections 922(g)(5)(A) and 2.)

COUNT SIX

The Grand Jury further charges:

8. On or about April 16, 2005, in the Southern District of New York and elsewhere, DWAYNE PALMER, a/k/a "Leon," a/k/a "Kay-pas," the defendant, who, being an alien illegally and unlawfully in the United States, unlawfully, willfully, and

knowingly did possess in and affecting commerce a firearm, to wit, a .40 caliber handgun, manufactured by Glock Inc., which had previously been shipped and transported in interstate commerce.

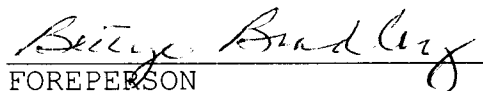
(Title 18, United States Code,
Sections 922(g)(5)(A) and 2.)


COUNT SEVEN

The Grand Jury further charges:

9. On or about April 16, 2005, in the Southern District of New York and elsewhere, SHAWN PETERKIN, a/k/a "Shawn James," the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about April 13, 1998, in Bronx County Supreme Court, New York, for attempted criminal possession of a weapon, unlawfully, willfully, and knowingly did possess in and affecting commerce a firearm, to wit, a 9mm handgun, manufactured by Keltec, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code,
Sections 922(g)(1) and 2.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

Damian Brown, a/k/a "Bossy,"
Shawn Peterkin, a/k/a "Shawn James,"
Franz Golding, a/k/a "Frank,"
Dwayne Palmer, a/k/a "Leon,"
a/k/a "Kay-pas,"

Defendants.

INDICTMENT

S2 05 Cr. 538 (BSJ)

(Title 18, United States Code, Sections 922(g),
924 and Title 21, United States Code, Section
846.)

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.

Bryce Bradley

Foreperson.

Indictment filed.

7. Mass, US MT

Post 11/27

*2C
11/15/06*